

Congress of the United States
Washington, DC 20510

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January 17, 2018

Chairman Ajit Pai
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

We write in response to the Federal Communication Commission's 706 Report Notice of Inquiry (NOI). As members of Congress, we are uniquely qualified to comment on how best the FCC can support and accelerate rural broadband expansion.

Section 706 of the Telecommunications Act requires that the Commission conduct an annual review to determine if "advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion."¹ The purpose of the 706 report is for the Commission to collect the most accurate data so that officials at the FCC and lawmakers in Congress can draft the best policies to ensure the ongoing timely deployment of broadband to all Americans. This year, for the first time, the Commission proposes combining both fixed and mobile telecommunications in making this determination. The National Rural Electric Cooperative Association stated in their comment to the 706 NOI that the Commission's proposal to combine fixed and wireless broadband in their analysis will have a disproportionate negative impact on Americans in rural, unserved and underserved communities.

Nearly every facet of daily life requires some form of digital connectivity. Historically, the Commission has considered mobile and fixed broadband as complement technologies and not substitutes. We believe that the Commission should continue in this tradition and that the proposed policy reversal would be an active step backwards in expanding broadband service to rural communities. Without adequate service deployment and accurate data collection for both fixed and mobile, our rural and national economy will suffer. Every American who has ever had to ask "Can you hear me now?" while on their cell phone or has had to wait for buffering when streaming a video on a mobile device would attest that wireless is not as robust and reliable.

Although the NOI notes that "nearly 80 percent of [] mobile subscribers used smartphones" and that "wireless companies continue to offer expanded options to users," wireless broadband cannot currently replicate the stability, capacity and speed of fixed broadband service.² The increased rise of Americans who exclusively use their cell phones to access the internet should

¹ 47 U.S.C. §1302(b)

² Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion. GN Docket No. 17-199. Adopted August 8, 2017.
https://apps.fcc.gov/edocs_public/attachmatch/FCC-17-109A1.pdf

not lead the Commission to conclude that mobile technology can replace fixed broadband. Commissioner Clyburn noted in her statement that for many Americans who exclusively access the internet through their cellphones, it is often a necessity and not a choice.³ Consumers who rely upon their cell phones exclusively for internet access encounter numerous complications. Americans who have limited access to fixed broadband have difficulty applying for jobs and filling out forms on their cell phones.⁴ The broadband ‘homework gap’ affects 5 million households who do not have broadband access and makes it more difficult for children to do research and complete their homework.⁵

The rise in telehealth services and the ability for patients in isolated towns to receive care remotely from their doctors also underscores the importance of fixed broadband service. The University of Maryland Medical System offers “telestroke, telecardiology, emergency pediatric care, maternal fetal medicine consultations and high-risk pregnancy management, acute mental health, pediatric organ transplant evaluations and rehabilitation of spinal cord patients.”⁶ Health breakthroughs allow patients to receive consultations close to home and are lifesaving for homebound patients. These advancements and the growing intersection between health and technology is not possible without stable, reliable, and fixed broadband.

Increasingly, rural industries also require fixed broadband. The rise in precision agriculture and reliance on “smart” farming equipment that uses broadband necessitates consistent and robust internet services. These technologies allow farmers and businesses to efficiently fertilize and water their crops, sell their produce, and reduce waste. John Deere, a leading manufacturer of forestry and agricultural machinery, noted in their response that precision agriculture cannot work effectively with only wireless broadband.⁷

There are challenges in expanding broadband deployment to rural communities but the solution for Congress and the Commission is not to redefine itself out of the problem but to work with industry to propose and promote viable solutions to address obstacles. It would be a disservice to rural Americans to be told by the Commission that their broadband needs are being met when their reality is much different. The Commission needs robust and granular maps that demonstrate where there is robust coverage and where communities are being ignored by broadband providers.

³ FCC Seeks Comment & Information to Guide Annual Inquiry Under Sec. 706. *Federal Communications Commission*. August 8, 2017. <https://www.fcc.gov/document/fcc-seeks-comment-information-guide-annual-inquiry-under-sec-706>

⁴ Smartphones help those without broadband get online, but don’t necessarily bridge the digital divide. *Pew Research Center*. October 3, 2016. <http://www.pewresearch.org/fact-tank/2016/10/03/smartphones-help-those-without-broadband-get-online-but-dont-necessarily-bridge-the-digital-divide/>

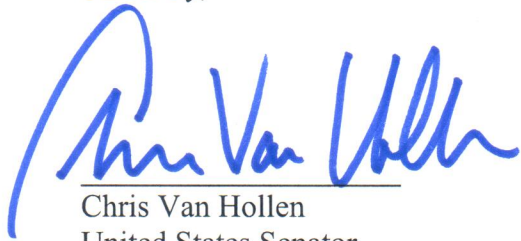
⁵ The numbers behind the broadband ‘homework gap’. *Pew Research Center*. April 20, 2015. <http://www.pewresearch.org/fact-tank/2015/04/20/the-numbers-behind-the-broadband-homework-gap/>

⁶ Large providers, including Kaiser Permanente and Bon Secours, push the boundaries of telemedicine. *Fierce Healthcare*. October 26, 2017. <https://www.fiercehealthcare.com/it/umms-kaiser-permanente-bon-secours-telehealth-telemedicine>

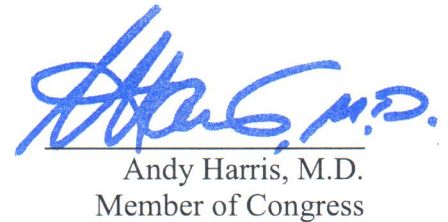
⁷ Comments of Deere & Company in the Matter of ‘Inquiry Concerning Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion’. *Federal Communications Commission*. September 21, 2017. https://ecfsapi.fcc.gov/file/109212496527376/FINAL_Deere%20Comments%20on%20Section%20706%20NOI.pdf

We have made great progress in broadband expansion. In 2016, the number of Americans who had access to fixed broadband at the FCC's benchmark speed increased from 34 million to 55 million. However, 23 million Americans still do not have access to advanced telecommunications as defined by the FCC and many of those Americans live in rural areas.⁸ Rural broadband is essential for the viability and health of our rural communities and we believe that the Commission must continue its work on expanding access to all Americans.

Sincerely,



Chris Van Hollen
United States Senator



Andy Harris, M.D.
Member of Congress

⁸ Statement of Chairman Tom Wheeler re: *Connect America Fund*, WC Docket No. 10-90, *ETC Annual Reports and Certifications*, WC Docket No. 14-58, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92. https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-33A2.pdf



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 13, 2018

The Honorable Andy Harris
U.S. House of Representatives
1533 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Harris:

Thank you for your letter regarding this year's Broadband Deployment Report. Your views are very important and were considered as part of the Commission's review.

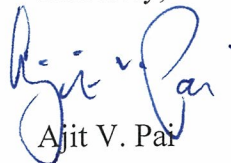
In Section 706 of the Telecommunications Act of 1996, Congress tasked the Commission with encouraging the deployment of broadband on a reasonable and timely basis and issuing an annual report on our progress. The report the Commission adopted earlier this month maintains the same benchmark speed for fixed broadband service previously adopted by the Commission: 25 Mbps download/3 Mbps upload. It also concludes that mobile broadband service is not a full substitute for fixed service. Instead, it notes there are differences between the two technologies, including clear variations in consumer preferences and demands. As a result, the report evaluates progress in deploying fixed broadband service as well as progress in deploying mobile broadband service and takes a holistic approach to evaluating the deployment of these services.

Over the course of the past year, the current Commission has taken steps to reduce barriers to infrastructure investment and promote competition in the broadband marketplace. But far too many Americans still lack access to high-speed Internet.

Indeed, I agree with you that "broadband is essential for the viability and health of our rural communities." That's why the FCC's top priority under my leadership remains bringing digital opportunity to all Americans. And to that end, I asked my colleagues just last month to join me in devoting \$500 million in additional funding for cooperatives and small rural carriers to connect Americans living in rural and Tribal areas. I look forward to working with you and them to carry out our shared goal of closing the digital divide.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

February 13, 2018

The Honorable Chris Van Hollen
United States Senate
B40C Dirksen Senate Office Building
Washington, D.C. 20510

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I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, which appears to read "Ajit V. Pai", is positioned above the printed name.

Ajit V. Pai